

Dear Ms. Mitchell,

As the Graduate Employees Together at the University of Pennsylvania (GET-UP) sexual harassment committee, we are emailing you in regards to the proposed policies on sexual misconduct and complaint process. After careful review, we would like to raise a number of questions and concerns with the outlined procedures that Penn should address before issuing a finalized policy. In calling for greater clarity and specificity, we offer recommendations for revising the policies so that they truly reform how Penn responds to sexual harassment in our community.

Our first concern is focused on discussions of confidentiality. It is stated throughout that confidential resources will only share information about a report with the consent of a complainant, unless issues of safety the community arises. **We recommend that in cases where confidential resources must report the incident, with or without identifying information, the complainant should be informed beforehand that their report is being shared elsewhere.** Furthermore, on page 6, under “5. Complainant request for confidentiality”, the same confidentiality rules do not seem to apply to reports of sexual harassment. **We believe that more protections for confidentiality should be explicitly outlined in the sexual misconduct policy for reports of sexual harassment as well.**

Policies are only as effective as their implementation, and effective implementation requires adequate preparation. **We are concerned about the lack of specificity with regard to training, and request a greater degree of transparency from the university with regard to who is actually required to be trained; who will be designing and facilitating programs; what the content of those programs will be; the frequency with which trainings will occur; and what systems are in place to ensure accountability for completing any and all training requirements.** We believe the gravity of this issue merits a more thorough discussion of training protocol, under its own heading, which should address any and all on-the-job training for faculty and staff. We also recommend that specific training on sexual harassment and best practices for determining sanctions be required for Deans, as they are expected to collaborate with the AV.

Training programs should be trauma-informed, specifically tailored to the context of sexual misconduct and harassment, and sensitive to the unique power imbalances that exist within the university setting. Generally speaking, we find this policy to ignore the power dynamics inherent in relationships between students, faculty, and staff. For example, on page 9, under “C. Reporting complaints of violation of the sexual misconduct policy”, it says that “the investigative team will consult with the appropriate Dean, or in any case for which the Dean has an actual or appearance of a conflict of interest or is implicated in the complaint, the Vice Provost for Faculty.” We are of the opinion that, to say nothing of the lack of specificity around how the AVP is to consult with the Dean in situations where their involvement might be problematic, there is always and already an innate conflict for Deans in this process given their role as representatives of the university’s interests. Further, sanctions against respondents should always be decided by the Provost or, preferably, an entirely independent arbitrator. **We recommend that there be a position on the panel or in the hearing process specifically dedicated to a student advocate, to act as point person to receive concerns related to the effectiveness of the AVP.**

In addition, the current policy attempts to address gender-based power dynamics regarding the makeup of the faculty panel. **However it should also take into account other categories of social difference (race, ability, sexuality, etc.) as all of these contribute to the power dynamics within the hearing.**

In consideration of intersectionality with gender-based sexual violence, the current policy refers to the general individual as “he or she” multiple times. By using this language, the entire policy inherently excludes non-binary people as well as others who do not use those pronouns. Such an exclusion is particularly egregious given that [trans people experience sexual abuse](#) at [higher rates](#) than many other groups[1,2]. **Please change all instances of “he or she” to the singular, inclusive pronoun “they”[3,4].**

We also recognize that the policy states that the University will monitor reports to determine patterns and systemic problems, and that the Hearing Panel may consider a pattern of violations of the Sexual Misconduct Policy when determining sanctions if

there is credible evidence that such a pattern exists. It is especially important to consistently monitor patterns of misconduct, and to consider these patterns when determining sanctions because such sanctions can protect the well-being of others in the Penn community. **We would like the policy to specify what entity within the University will be responsible for monitoring reports, and to define what will be considered a pattern or systemic problem both for monitoring purposes and for the consideration of such patterns in determining sanctions.** Additionally, the policy only specifies that the University will monitor patterns of Sexual Violence, Relationship Violence, and Stalking; there is no indication that the University will monitor such patterns of Sexual Harassment. **Given the possibility of profound effects of Sexual Harassment on individuals' psychological well-being, particularly in situations in which the harasser is in a position of power, we ask that the policy be updated to include a plan for tracking patterns of Sexual Harassment as well as patterns of Sexual Violence.**

In addition to centralizing data collection of sexual harassment reports, **the sexual misconduct policy should provide more pathways and support for complainants, even in cases where no violations are found.** Data on allegations and reports of sexual misconduct, including sexual harassment, should be centralized, no matter the outcome of any investigations. **There should also be more appeal mechanisms in place, not just for panel hearings, but throughout the entire reporting process, and including sexual harassment.** Starting from the initial reporting step, complainants be made aware of offices and personnel they can contact if they feel that they have been treated unfairly throughout the process. Furthermore, we urge the university to consider additional support and services for those complainants whose experiences do not constitute a violation according to university policy. These complainants often have still experienced harm, and their experiences may not meet a legalistic standard of misconduct as outlined in the policies. Penn should commit to mitigating the trauma that these complainants may experience.

Finally, please include within this policy plans to address the many instances of sexual misconduct that are perpetrated by members of the university's community outside of the workplace and educational settings. Regardless of whether the proposed federal guidelines may change how the university deals with such

cases, these guidelines have not been made official. Therefore, through Title IX, the university is still obligated to cover these instances. These external interactions can and do factor into social and professional relationships between members of the Penn community and affect their on-campus interactions. **Therefore, a policy that doesn't address sexual misconduct cases that occur outside of the workplace and educational settings harms the members of the Penn community and goes against Penn's commitment to create an environment where members can thrive and achieve their full potential.**

We look forward to hearing back from you and seeing how the sexual misconduct policies may change to reflect comments and recommendations not only from graduate student workers, but other university community members.

Sincerely,

GET-UP Sexual Harassment Committee